MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2021/2022

UAL 2612 – ADMINISTRATIVE LAW

(All sections / Groups)

11 AUGUST 2022
Reading Time: 9.00am – 9.15am
(15 Minutes)
Answering Time: 9.15am – 12.15pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. Answer **ONE** question in **PART A** and **ALL** questions in **PART B**. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are only allowed to bring in CLEAN AND ORIGINAL COPY of the following statutes into the exam venue:
   i. Rules of Court 2012
   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

PART A: ANSWER ONE (1) QUESTION ONLY

QUESTION 1

Do you think that the remedies available to those who apply for judicial review in Malaysia are appropriate? Your discussion must include relevant legal provisions and case laws.

(Total: 25 marks)

QUESTION 2

By referring to the history of the establishment of SUHAKAM or Human Rights Commission of Malaysia, discuss the power and functions of SUHAKAM in promoting the human rights in Malaysia.

(Total: 25 marks)

PART B: ANSWER ALL QUESTIONS

QUESTION 3

Yang Dipertua Asam Garam City Council** ("AGCC") has been granted with statutory power under the Small Business Development Act 2021 (fictitious) to regulate small business in the local area (i.e. city of Asam Garam). By virtue of the Act, Yang Dipertua AGCC has the power to accept or reject any small business licence application. AGCC received several small business licence applications and Datuk Mat acting as the Yang Dipertua AGCC, make the following decisions:

I. He rejected Minah's licence application because Minah refused to accept his proposal to be his second wife.
II. He rejected Seman's licence application because Seman intended to sell belacan and he did not like the smell of belacan.
III. He accepted Bobo's application because he is the son-in-law of the Menteri Besar Negeri Kayangan.

Minah and Seman are dissatisfied with the decision made by Datuk Mat and they seek for your advice on the following matters:

i. Whether Datuk Mat has power to make such decision;

(12 marks)

ii. Whether Datuk Mat power is absolute;

(7 marks)

Continued...

iii. Whether they can challenge the decision made by Datuk Mat and if they can do so, how? (6 marks)

Advise accordingly.

(Total: 25 marks)

QUESTION 4

a) The implication of *Hill v The Constable of West Yorkshire* [1989] AC 53 can be detrimental to the application of judicial review. Do you agree with the above statement? Construct your argument with relevant cases and authorities.

(10 marks)

b) Ms. Vivi was appointed as the Minister in the Prime Minister's office. The relevant Act under which she was appointed has provided her with wide discretionary powers. She is notorious in making controversial decisions but still act within her powers given. Thus, she is in dire need for protection(s) that can be relied whenever when she makes any decision. She would like to ensure that other branches of public bodies are well protected as well as it might jeopardise her works. Ms. Vivi seeks your advice and it must be supported by citing relevant cases and authorities.

(15 marks)

(Total: 25 marks)

QUESTION 5

AMAN was a co-operative society ('the Society') who owned certain land in Melaka which it was decided that low-cost flats should be built on the land and to be sold to their members. The Society entered into a joint-venture agreement with a housing developer, Ria Sdn Bhd ('Ria'), wherein it was provided that the selling price shall not exceed RM200,000, which is to be considered as cheap compared to the current market price and costs.

The Society is required to obtain planning approval from the Majlis Perbandaran Melaka ('the Council'). After the Society had lodged its application, the Council wrote to the Society requiring the Society to amend its plans to comply with the requirements of the Town and Country Planning Department. It also expressed that Ria would comply with the Council's Guidelines for Low Cost Flats, of which item 10 specified that 20% of the low-cost houses have to be built and sold at a cost not exceeding RM200, 000 per unit. Based on this, it is decided by the Council that the Society and Ria to set the selling price at RM100, 000 per unit. The Society protested to the new price due to the rise in the cost of raw materials and labour, however the new price was ratified at a special board meeting of the Council.

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Even worse, Ria was unable to proceed with the development because a private caveat (an order to restrict activities) had been lodged against the land on which there were squatters. One of these squatters was the niece of a member of the Council. In an attempt to induce her to quit and vacate her dwelling house, the Chairman of the Society had offered her options but she stated that her uncle and had advised her not to settle without his approval and that all negotiations should be conducted through him.

Advise the Society.

(Total: 25 marks)

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